

REMARKS

1. The Applicants have amended claims 15, 22, and 23. Claim 15 now depends only from claim 1, rather than appearing in multiple-dependent form. Claim 22 has been amended to more clearly recite the limitations of the dipper arm claimed therein, while claim 23 has been similarly amended to more clearly recite the limitations of the hydraulically operated machine that forms the subject matter of the claim. No new matter has been introduced into any of the claims by virtue of the amendments presented herein.

2. The Examiner has required the Applicants to elect a single disclosed species for prosecution on the merits in the event that no generic claim is finally held to be allowable. It is the Examiner's view that Species 1 is shown in Figures 1 through 8(c), that Species 2 is shown in Figures 9 through 13, and that Species 3 is illustrated in Figures 14 through 16. The Examiner maintains that claims 1 through 9, 18, and 20 through 23 are generic. The Applicants have a different view, and, although a provisional election of species will be made pursuant to this Response, the Applicants respectfully traverse the Examiner's requirement for election and request reconsideration.

3. In the Applicants' view, Figures 1 through 12 and the associated text describe excavating equipment that has an adjustable mounting assembly that includes an elongated mounting member and an anchor member that anchors the support stay to the mounting member. The anchor member can be moved so that it supports the clamp arm in an operative orientation, or an inoperative orientation. Since the adjustable nature of the mounting assembly may manifest itself as an ability of the anchor member to slide longitudinally along the mounting

member, the inventors sometimes refer to this feature as “the adjusting slider, which slides to allow adjustment of a clamp arm.” Claims 1 through 9 and 15 through 23 are all generic with respect to this adjustable mounting assembly, and are directed toward the genus of the invention rather than a distinct Species 1 as asserted by the Examiner.

Figure 13 illustrates a single safety catch mechanism designed to ensure that the clamp arm does not swing freely when the selectively engageable anchor member (slider) is released. As can readily be appreciated, attachments for excavating machinery are very heavy and are likely to cause injury if they were to strike an operator (or bystander). The clamp arm on the equipment described tends to fall from the inoperative orientation due to gravity. Thus, Figure 13 illustrates an embodiment in which a safety catch engages when the clamp arm is in the inoperative orientation. The safety catch must be released to allow the clamp arm to move toward its operative position.

Consequently, it may be appropriate to consider that Figure 13 and the associated text is directed toward a species of the invention incorporating a safety catch. Claims 10, 11, and 13 relate to this safety catch feature of the inventive system. The Applicants provisionally elect claims 10, 11, and 13 as representative of a single disclosed species. That is, these claims relate to a safety catch that may be implemented in conjunction with the invention claimed in claim 1.

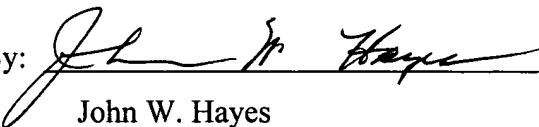
Claims 12 and 14 relate to an improvement of the safety catch in which a double release stage was implemented. Figures 14 and 16 illustrate this with particularity. The operator of the excavating machinery must release both first and second catch mechanisms. Once the first catch mechanism is released, the clamp arm falls a short distance before it is caught by the second catch. The second catch must then be released to allow the clamp arm to fall further. The operator thus receives a warning that the clamp arm is about to fall and can take action to move

out of the way (or direct a bystander to do the same). In the Applicants' view, claims 12 and 14 are directed toward this double catch feature, but claims 12 and 14 depend from claim 10, which recites the safety catch in broad enough terms to contemplate a double catch embodiment.

4. As set forth above, the Applicants provisionally elect claims 10, 11, and 13 as being directed toward the safety catch feature illustrated in Figure 13, but the Applicants respectfully traverse the requirement for election of species. The Applicants also believe, as discussed above, that claims 1 through 9 and 15 through 23 should properly be considered as generic in this instance. Examination of the claims on the merits is respectfully requested.

Respectfully submitted,

Date: June 30, 2004

By: 

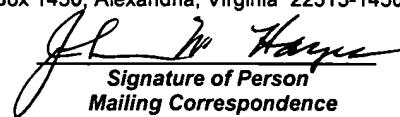
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